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PATENT

# 150679.1

Attorney Reference Number 3382-55356-01  
Application Number 09/737,617**Remarks:**

Reconsideration of the application is respectfully requested in view of the foregoing amendments and following remarks. Claims 1-63 are pending in the application. The Action rejects claims 1-4, 6-11, 13, 15-23, 25-27, 29-33, 36-46, and 48-61 under 35 U.S.C. § 102(b) as being anticipated by Bier et al., U.S. Patent No. 5,617,114 ("Bier"). Additionally, the Action rejects claims 5, 12, 14, 24, 28, 34-35, and 47 under 35 U.S.C. § 103(a) as being unpatentable over Anderson and in view of various cited art. Claims 62 and 63 are new. No claims have been allowed. Claims 1, 20, 21, 46, 48, 49, 50, and 61 are independent.

***Cited Art***

The Action relies on the following:

U.S. Patent No. 5,617,114 to Bier et al., entitled "User Interface Having Click-Through Tools that Can Be Composed with Other Tools" ("Bier");

John Crowcroft, *Information – Are You Being Served?*, May 10, 1995 ("Crowcroft");

Anon., *HP Announces Commerce Centre for Asia Pacific*, 1994-1999 ("HP Announces");

Kazushi Oenoki, *DHTML Basics*, March 16, 1999 ("DHMTL Basics"); and

Anon., *Microsoft Word 97 for Windows* ("Microsoft Word").

***Amendments***

Claims 1, 20, 21, 46, 48, 50, and 61 have been amended for clarification. Claims 62 and 63 have been added. No new matter is added by these claims. No other claims have been amended.

***Patentability of Claims 1, 20 and 21 over Bier Under § 102(b)***

The Action rejects claims 1, 20 and 21 under 35 U.S.C. § 102(b) as being anticipated by Bier. Applicants respectfully submit the claims in their present form are allowable over the cited art. For a 102(e) rejection to be proper, the cited art must show each and every element as set forth in a claim. (See MPEP § 2131.01.) However, the cited art does not describe each and every element. Accordingly, applicants request that all rejections be withdrawn.

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Claim 1 recites in part (emphasis added),

responsive to detecting that *a pointer of* the user interface element is over a displayed item, selecting the displayed item; and  
responsive to receiving an activation of the area displayed within the user interface element, causing the action to be performed on the selected displayed item.

For example, at FIG. 1A and page 4, lines 17-19 describe:

Displayed items can be selected by moving the pointer 112 over an item. After the item is selected, the pushbutton 114 can be activated to perform an operation on the selected item.

Claim 1 stands rejected over Bier. However, Bier does not describe each and every element of the claim as required by § 102. The Action alleges that Bier describes various aspects of claim 1 at column 3, lines 14-23 and column 4, lines 62-67.

*Bier's passage on a "click-through" tool does not teach or suggest "responsive to detecting that a pointer of the user interface element is over a displayed item, selecting the displayed item" as recited by claim 1.* Bier describes at column 4, lines 62-67:

The visual depiction of a click-through tool includes a generally transparent delineated active area that is movable so that it can be placed over a desired portion of the visible representation. When the user interacts with the visible representation through the active area, the action takes on an attribute of the particular click-through tool.

Thus, Bier does describe a "generally transparent delineated active area that is movable." However, Applicants do not find that the recited pointer of a user interface element is described in Bier. Applicants make no claim to a pointer, *per se*, but point out that the recited combination, which includes a pointer, is believed to be novel and non-obvious over Bier. For example, Applicants cannot find where Bier teaches or suggests "responsive to detecting that a pointer ... is over a displayed item, selecting the displayed item" as recited in claim 1.

For at least these reasons, claim 1 and its dependent claims, 2-4, 6-11, 13, 15-19, and 51-60, are allowable at this time.

Claims 20 and 21 also include the "pointer" language and are allowable at least for similar reasons presented for claim 1. Accordingly, their dependent claims, 22-23, 25-27, 29-33, and 36-45 are also allowable at this time.

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The Action rejects claims 5 and 28 over Bier under § 103(a). However, Bier still fails to teach or suggest the arrangement of claims 1 and 21, including the recited "pointer." Further, Applicants find no suggestion or motivation to combine in Bier that would result in the claimed arrangement. Claims 5 and 28 depend from 1 and 21 and are therefore allowable at this time for at least the reasons presented for claims 1 and 21.

The Action rejects claims 12, 14, and 24 over Bier and Crowcroft. However, Crowcroft similarly fails to teach or suggest the arrangement of claims 1 and 21. Further, Applicants find no suggestion or motivation to combine in the combined references that would result in the claimed arrangement. Claims 12, 14, and 24 depend (directly or indirectly) from 1 and 21 and are therefore allowable for at least reasons similar to those presented for claims 1 and 21.

The Action rejects claim 34 over Bier and HP Announces. However, Applicants do not find where HP Announces teaches or suggests the arrangement of claim 21. Further, Applicants find no suggestion or motivation to combine in the combined references that would result in the claimed arrangement. Claim 34 depends from claim 21 and is therefore allowable for at least reasons similar to those presented for claim 21.

The Action rejects claim 35 over Bier and Microsoft Word. However, Applicants do not find where Microsoft Word teaches or suggests the arrangement of claim 21. Further, Applicants find no suggestion or motivation to combine in the combined references that would result in the claimed arrangement. Claim 35 depends from claim 21 and is therefore allowable for at least reasons similar to those presented for claim 21.

***Patentability of Claims 46-48 over Bier***

Claim 46 stands rejected under § 102(b) as anticipated by Bier. Claim 46 is directed to a moveable user interface element and recites in part (emphasis added):

a *hot point* operable to cause selection of the item when the hot point is moved over the item;  
a display area comprising a name of an operation;  
a button for receiving an indication that the operation is to be performed on the item selected, *the button at least partly comprising an area of the moveable displayed user interface other than the hot point.*

For example, the Application at page 17, lines 7-9 describes:

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The hot point is an X,Y coordinate specifying a point within the widget (e.g., a tip of the widget). When the hot point is over a target, the widget selects the target.

Applicants do not understand Bier to describe such an arrangement. Applicants do find that Bier describes a "hot point" at FIG. 19 and column 18, lines 30 et seq.:

A rectangle in the scene has its four corners and center point identified as hot points. When the user clicks on a given alignment line (e.g., the vertical line), the line highlights, and all objects with hot points trigger full-length alignment lines of this lass, namely vertical alignment lines.

However, the described hot point is not described as "operable to cause selection of the item" as recited by claim 46. Accordingly, claim 46 is allowable over Bier.

Claim 47 depends from claim 46 and stands rejected over Bier and DHTML Basics. However, DHTML Basics also fails to teach or suggest the recited "hot point." Further, Applicants find no suggestion or motivation to combine in the combined references that would result in the claimed arrangement. Accordingly, claim 47 is allowable for at least reasons similar to those given for claim 46, even in light of DHTML Basics in combination with Bier.

Claim 48 also recites "selecting . . . when a hot point of a moveable displayed user interface element is moved . . ." and is therefore allowable for at least the reasons stated for claim 46.

#### ***Patentability of Claim 49 over Bier***

Claim 49 stands rejected under § 102(b) over Bier. Claim 49 recites (emphasis added):

A computer-implemented system for determining when a moveable displayed item is moved over one of a plurality of displayed regions to thereby select one of a plurality of potential targets, wherein the regions are associated with the targets, the system comprising:

- a list of the plurality of displayed regions;
- acquire-target functionality designated for execution when the moveable displayed item acquires a target;
- release-target functionality designated for execution when the moveable displayed item releases the target; and
- functionality operable to consult the list of regions to determine whether a moveable displayed item *enters or exits* any of the regions and further operable to invoke the acquire-target and release-target functionality with respect to a target associated with the region into which or out of which the moveable displayed item *enters or exits*.

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Bier does not describe the "enters or exits" language of the claim as required by § 102.

*Bier's passage disclosing a spreadsheet does not describe the recited "enters or exits."*

The rejection of claim 49 states that Bier discloses a list as recited in claim 49 at column 1, lines 39, where it discusses "a spreadsheet." The Action explains the rejection by stating "the list [is] represented as the items of a spreadsheet document..." At column 1, lines 37 et seq., Bier describes:

Depending on the task at hand, the user will often make use of a task-specific application program such as a word processor (sometimes referred to as a text editor), a spreadsheet, a database, or a drawing program (sometimes referred to as a graphics editor).

Thus, Bier does describe "a spreadsheet." The Action goes on to assert that the recited acquire-target and release-target functionality is described with respect to menu attributes. Applicants do not find within Bier a description of determining whether a moveable displayed item *exits* a menu. As understood by Applicants, menu items are typically selected by clicking, not by exiting the menu item.

Further, the passage relied on in the Action does not appear to describe menu items. At column 13, lines 5 et seq., Bier describes:

#### 2.01 Pushing and Shaping Objects into the Scene

FIG. 4 shows how adding a new shape to a graphical scene is done using a shape palette on the overlay. The user has coarsely positioned a circle on the tool near a rectangle on the scene. When the user pushes and holds the mouse button, a new circle of that size is created in the scene, the overlay disappears and the circle attaches its center (for instance) to the cursor arrow for fine positioning.

Thus, Bier does describe "pushes and holds the mouse button." However, Applicants cannot understand how the passage relates the recites "exits" language. For example, the passage does not describe consulting a list of regions to determine when the user exits the new circle.

Accordingly, Applicants believe claim 49 is patentable over Bier.

For at least these reasons, claim 49 is in allowable condition and Applicants request that the rejection of claim 49 be withdrawn.

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Claim 50 stands rejected over Bier. Claim 50 recites (emphasis added):

A computer-implemented method for determining over which of a set of potential targets displayed on a display a moveable displayed item has been dragged, the method comprising:

assembling a list of regions corresponding to display regions associated with the potential targets;

upon determining the moveable displayed item has been dragged to a location, consulting the list of regions to determine whether the moveable displayed item has been dragged over one of the potential targets; and

*upon determining the moveable displayed item has been dragged over one of the potential targets, taking an action with respect to the one of the potential targets.*

The Action alleges that Bier describes various parts of the claim at column 4, lines 62-65, column 1, line 39, and column 13, lines 60-67. However, Bier does not describe each and every element of the claim as required by § 102. Applicants have amended the claim to recite "dragging." For example, the application describes at page 5, lines 1 et seq. (emphasis added):

The user interface element 102 can be moved in a variety of ways. Typically, the element is moved by *dragging* it (e.g., positioning a graphical pointer over the item in a graphical user interface, clicking a pointing device button, and then moving the graphical pointer with the pointing device) about a displayed area.

The recited arrangement, which includes the recited dragging, is not taught or suggested by Bier.

*Bier's passage discussing delete, move, and copy operations does not describe upon determining the item has been dragged over a potential target, taking an action.* In the rejection of claim 49, the Action cites to the following passage from Bier at column 13, lines 60-67 (emphasis added):

FIG. 6 shows click-through buttons for Delete, Move, and Copy operations, and the sequence of operations for deleting an object (the ellipse) from the scene. The user positions the overlay so that the Delete button is over a group of objects, while pointing at one of these objects with the cursor. In certain implementations, while the mouse button is down, the system highlights the object that will be operated upon *if the mouse button is released* at the current time. When the user releases the mouse button, the selected object is deleted.

Thus, Bier does describe "positions the overlay so that the Delete button is over a group of objects." However, Bier does not describe taking an action upon determining the overlay has been *dragged* over an object. In fact, Bier instead describes "the system highlights the object that will be operated upon *if the mouse button is released*."

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For at least these reasons and those discussed above, claim 50 is in allowable condition and Applicants request that the rejection of claim 50 be withdrawn.

***Patentability of Claim 61 over Bier***

Claim 61 stands rejected over Bier. Claim 61 recites (emphasis added):

A method of presenting a computer user interface for performing an action on a displayed item out of a plurality of displayed items, the method comprising:  
presenting a moveable displayed user interface element comprising *a portion of the displayed user interface element configured to achieve selection* and an area displayed within the user interface element for receiving an activation *at a location other than the portion configured to achieve selection*; and  
responsive to receiving an activation of the area displayed within the user interface element, causing the action to be performed on a displayed item under the portion of the moveable displayed user interface element configured to achieve selection.

For example, the Application at page 5, lines 11-14 describes:

The manner in which selection of displayed items is achieved can also vary from that shown.... [O]ther methods (e.g., positioning any portion of the element 102 over an item) can be used.

The Action alleges that Bier describes various aspects of claim 61 at column 3, lines 14-23 and column 4, lines 62-67, the same sections cited in the rejection of claim 1.

However, Bier does not describe each and every element of the claim as required by § 102. Applicants find neither a *portion configured to achieve selection* nor an *area for receiving an activation at a location other than the portion* in Bier. Accordingly, claim 61 is allowable over Bier.

Claims 62 and 63 depend from claim 61. Claim 62 recites, in addition to the language of claim 61, "wherein the portion comprises a plurality of X, Y coordinates." Claim 63 also recites "wherein each of the coordinates is a hot point." Accordingly, claims 62 and 63 are allowable for at least reasons similar to those given for claim 61.

***Patentability of Dependent Claims***

Additionally, the dependent claims each recite patentably distinct subject matter not described by the cited art. However, Applicants do not belabor the language of the individual claims in the interest of brevity.

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If any issues remain, the Examiner is formally requested to contact the undersigned attorney prior to issuance of the next Office Action in order to arrange a telephonic interview. It is believed that a brief discussion of the merits of the present application may expedite prosecution. Applicants submit the foregoing formal Amendment so that the Examiner may fully evaluate Applicants' position, thereby enabling the interview to be more focused.

This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.

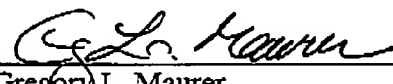
***Conclusion***

The claims in their present form should now be allowable. Such action is respectfully requested.

Respectfully submitted,

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